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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,049	12/28/2000	Malcolm M. Smith	062891.0432	9304

7590 10/04/2004
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

PHUNKULH, BOB A

ART UNIT PAPER NUMBER

2661

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/753,049	SMITH ET AL.	
	Examiner	Art Unit	
	Bob A. Phunkulh	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-13, 16-25, 28-32, 35-39 and 42 is/are rejected.
- 7) ☒ Claim(s) 5-9, 14, 15, 23-34, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: please provides the pending US patent application serial number in page 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 10-13, 16-25, 28-32, 35-39, 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaughnessy (US 6,141,347).

Regarding claim 1, Shaughnessy discloses a communications system comprising:

a gateway (multicast router 407, see figure 4) operable to receive a first packet addressed to a mobile unit, to determine a multicast address associated with the mobile unit, to generate a second packet having information from the first packet and addressed to the multicast address, and to communicate the second packet to a packet network (see col. 7 lines 32-52); and

a plurality of base transceiver stations (base stations or sites, see figure 4) each operable to receive the second packet from the packet network, to determine the mobile unit identified by the second packet, and to communicate information from the second packet to the mobile unit (see col. 7 lines 32-52).

Regarding claim 2, Shaughnessy discloses the first packet contains voice information for a communications session between the mobile unit and a remote device generating the voice information (see col. 7 lines 32-52).

Regarding claim 3, Shaughnessy discloses the base transceiver stations each transmit information from the second packet to the mobile unit to facilitate soft handoff of a communications session (handover, see col. 1 lines 40-44).

Regarding claim 4, Shaughnessy discloses the gateway is further operable to generate the second packet by readdressing the first packet to the multicast address (see col. 7 lines 32-52).

Regarding claim 10, Shaughnessy discloses a base transceiver for processing multicast packets comprising:

a network interface operable to receive multicast packets from a packet network, wherein the base transceiver station is a member of a multicast group receiving the multicast packets (see col. 7 lines 32-52);

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a processor operable to determine a mobile unit identified by the multicast packets (see col. 7 lines 32-52); and

a wireless interface operable to communicate information from the multicast packets to the mobile unit (see col. 7 lines 32-52).

Regarding claim 11, Shaughnessy discloses the base site is further operable to extract packets encapsulated by the incoming message from the subscriber; and the wireless interface is further operable to communicate the extracted packets to the multicast router (see col. 5 lines 60-66). Thus, Shaughnessy inherently discloses the processor of the base transceiver is further operable to extract packets encapsulated by the multicast packets; and the wireless interface is further operable to communicate the extracted packets to the mobile unit.

Regarding claim 12, Shaughnessy discloses the encapsulated packets each comprises an Internet protocol (IP) address of the mobile unit (see col. 3 lines 45-62).

Regarding claim 13, Shaughnessy discloses the information from the multicast packets comprises voice information associated with a communications session (see col. 7 lines 32-52).

Regarding claim 16, Shaughnessy discloses the base transceiver station is one of a plurality of base transceiver stations communicating with the mobile unit using code

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division multiple access (CDMA) communications protocols, wherein the base transceiver stations are each registered for the multicast group (see col. 3 lines 29-33).

Regarding claim 17, Shaughnessy discloses a gateway (a multicast router 407, see figure 4) comprising:

a first interface operable to receive a first packet addressed to a mobile unit (the first interface connected to the WAN network, see figure 4);

a processor operable to determine a multicast address associated with the mobile unit and to generate a second packet addressed to the multicast address, the second packet encoding information from the first packet (see col. 4 line 62 to col. 5 lines 13; and col. 5 lines 28-34), and

a second interface operable to commemorate the second packet to a packet network (the second interface connected to the a plurality of base stations, see figure 4)

Regarding claim 18, Shaughnessy discloses the multicast address corresponds to a multicast group having a plurality of base transceiver stations as members (see col. 5 lines 14-21).

Regarding claim 19, Shaughnessy discloses a memory storing information associating a plurality of mobile units to multicast addresses (see col. 5 lines 6-12).

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Regarding claim 20, Shaughnessy discloses the gateway further operable to generate the second packet by readdressing the first packet to the multicast address (see col. 5 lines 14-21).

Regarding claim 21, Shaughnessy discloses the gateway further operable to generate the second packet by encapsulating the first packet as a payload of the second packet (see col. 5 lines 14-21).

Regarding claim 22, Shaughnessy discloses a method for processing multicast packets comprising:

registering for a multicast group associated with a mobile unit (registering with an affiliation message, see col. 5 lines 14-19);

receiving multicast packets for the multicast group (see col. 7 lines 32-52); and

communicating information from the multicast packets to the mobile unit using wireless communications protocols (see col. 7 lines 32-52).

Regarding claim 23, Shaughnessy discloses the method further operable to extract packets encapsulated by the incoming message from the subscriber; and the wireless interface is further operable to communicate the extracted packets to the multicast router (see col. 5 lines 60-66). Thus, Shaughnessy inherently discloses the processor of the base transceiver is further operable to extract packets encapsulated by

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the multicast packets; and the wireless interface is further operable to communicate the extracted packets to the mobile unit.

Regarding claim 24, Shaughnessy discloses the encapsulated packets each comprises an Internet protocol (IP) address of the mobile unit (see col. 3 lines 45-62).

Regarding claim 25, Shaughnessy discloses the information from the multicast packets comprises voice information associated with a communications session (see col. 7 lines 32-52).

Regarding claim 28, Shaughnessy discloses the base transceiver station is one of a plurality of base transceiver stations communicating with the mobile unit using code division multiple access (CDMA) communications protocols, wherein the base transceiver stations are each registered for the multicast group (see col. 3 lines 29-33).

Regarding claim 29, Shaughnessy discloses a software for processing multicast packets comprising:

registering for a multicast group associated with a mobile unit (registering with an affiliation message, see col. 5 lines 14-19);

receiving multicast packets for the multicast group (see col. 7 lines 32-52); and

communicating information from the multicast packets to the mobile unit using wireless communications protocols (see col. 7 lines 32-52).

Regarding claim 30, Shaughnessy discloses software is further operable to extract packets encapsulated by the incoming message from the subscriber; and the wireless interface is further operable to communicate the extracted packets to the multicast router (see col. 5 lines 60-66). Thus, Shaughnessy inherently discloses the processor of the base transceiver is further operable to extract packets encapsulated by the multicast packets; and the wireless interface is further operable to communicate the extracted packets to the mobile unit.

Regarding claim 31, Shaughnessy discloses the encapsulated packets each comprises an Internet protocol (IP) address of the mobile unit (see col. 3 lines 45-62).

Regarding claim 32, Shaughnessy discloses the information from the multicast packets comprises voice information associated with a communications session (see col. 7 lines 32-52).

Regarding claim 35, Shaughnessy discloses the base transceiver station is one of a plurality of base transceiver stations communicating with the mobile unit using code division multiple access (CDMA) communications protocols, wherein the base transceiver stations are each registered for the multicast group (see col. 3 lines 29-33).

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Regarding claim 36, Shaughnessy discloses a base transceiver for processing multicast packets comprising:

means for registering for a multicast group associated with a mobile unit (registering with an affiliation message, see col. 5 lines 14-19);

means for receiving multicast packets for the multicast group (see col. 7 lines 32-52); and

means for communicating information from the multicast packets to the mobile unit using wireless communications protocols (see col. 7 lines 32-52).

Regarding claim 37, Shaughnessy discloses the base site is further operable to extract packets encapsulated by the incoming message from the subscriber; and the wireless interface is further operable to communicate the extracted packets to the multicast router (see col. 5 lines 60-66). Thus, Shaughnessy inherently discloses the processor of the base transceiver is further operable to extract packets encapsulated by the multicast packets; and the wireless interface is further operable to communicate the extracted packets to the mobile unit.

Regarding claim 38, Shaughnessy discloses the encapsulated packets each comprises an Internet protocol (IP) address of the mobile unit (see col. 3 lines 45-62).

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Regarding claim 39, Shaughnessy discloses the information from the multicast packets comprises voice information associated with a communications session (see col. 7 lines 32-52).

Regarding claim 42, Shaughnessy discloses the base transceiver station is one of a plurality of base transceiver stations communicating with the mobile unit using code division multiple access (CDMA) communications protocols, wherein the base transceiver stations are each registered for the multicast group (see col. 3 lines 29-33).

Allowable Subject Matter

Claims 5-9, 14-15, 26-27, 23-34, and 40-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any response to this action should be mailed to:

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(703) 872-9306, (for formal communications intended for entry)

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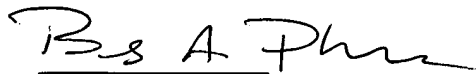
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor **Kenneth Vanderpuye**, can be reach on **(571) 272-3078**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Bob A. Phunkulh

A handwritten signature in cursive script, reading "Bob A. Phunkulh". The signature is written in black ink and is positioned below the printed name.

**BOB PHUNKULH
PRIMARY EXAMINER**

TC 2600

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September 30, 2004